UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

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CLERK US DISTRICT COURT SOUTHERN DISTRICT OF CALIFORNIA
BY DEPUTY

UNITED STATES OF AMERICA, Plaintiff,	)	Magistrate Case No. 08 MJ 2228
v.	)	**COMPLAINT FOR VIOLATION OF:**
Marcos Eduardo LOPEZ-Flores	)	Title 8, U.S.C., Section 1326; Deported Alien Found in the United States
Defendant.	)	

The undersigned complainant, being duly sworn, states:

On or about **July 18, 2008,** within the Southern District of California, defendant, **Marcos Eduardo LOPEZ-Flores**, an alien who previously had been excluded, deported and removed from the United States to Mexico, was found in the United States without the Attorney General of the United States, or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States, in violation of Title 8, United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
Immigration Enforcement Agent;
Immigration & Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **22nd** DAY OF **July 2008.**

UNITED STATES MAGISTRATE JUDGE

GVn

PROBABLE CAUSE STATEMENT

On July 18, 2008, the defendant identified as, Marcos Eduardo LOPEZ-Flores, was arrested by the San Diego Police Department for violation of Section 496(A) of the California Penal Code, "Receiving Known Stolen Property". The Defendant was booked into San Diego County Jail where an Immigration Enforcement Agent determined the defendant to be a citizen of Mexico and placed a Form I-247 "Immigration Hold" pending his release from custody.

On July 21, 2008, the defendant was referred to the custody of the United States Immigration and Customs Enforcement (ICE) at San Diego, California. An Immigration Enforcement Agent reviewed various sources of information and conducted official record checks in regards to the defendant confirming him to be a citizen of Mexico who was previously deported or removed from the United States to Mexico.

A thorough review of official immigration computer database record checks revealed the defendant was most recently ordered removed or deported from the United States by an Immigration Judge on February 22, 2006; and removed to Mexico the same day via the San Ysidro, California, Port of Entry. Record checks further indicate that the defendant has not applied to the Attorney General of the United States or the Secretary of the Department of Homeland Security for permission to re-enter the United States lawfully.

The Automated Biometric Fingerprint Identification System (IDENT) was utilized and compared the defendant's fingerprints to those contained in this database. The results confirmed his identity as Marcos Eduardo LOPEZ-Flores, a citizen and national of Mexico.

The defendant was admonished as to his rights per Miranda, acknowledged those rights and elected to answer questions without counsel present. The defendant stated that his true name is Marcos Eduardo LOPEZ-Flores, and that he is a citizen of Mexico by birth in Sonora, Mexico. The defendant admitted an Immigration Judge removed him to Mexico and that he has not obtained a waiver to re-enter the United States.